

APPLICATION NUMBER: 25/00430/CPE

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

25/00430/CPE

CASE OFFICER

Sam Yuen

DETERMINATION DATE 20.06.2025 **EXT OF TIME**

Address: 1 Centre Vale, Littleborough, Rochdale, OL15 9EL

Proposal: Certificate of Lawfulness to confirm the existing lawful use as a 5-bed HMO (Use Class C4)

RECOMMENDATION	GRANT
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CHECKED AND SIGNED OFF BY: RK

DATE: 17/06/2025

SITE

The application relates to no. 1 Centre Vale, a two-storey end terrace dwelling located in Littleborough. The dwelling is adjoined by no. 2 Centre Vale to the north, adjacent to a commercial unit occupied by Centre Vale Plant Hire to the south, and faces the highway to the west.

PROPOSAL

Certificate of lawfulness is sought to confirm the existing lawful use of the property as five-bedroom house of multiple occupation (HMO).

RELEVANT PLANNING POLICY

The Town and Country Planning (Use Classes) Order 1987 (as amended)

Town and Country Planning Act 1990

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

RELEVANT SITE HISTORY

N/A

CONSULTATION RESPONSES

N/A

REPRESENTATIONS

In accordance with the Council's Code of Publicity for Planning Applications, no publicity was undertaken for this application.

ANALYSIS

S.55 (1 and 1A) of the Town and Country Planning Act 1990 ('The Act') sets out the meaning of development as:

"Development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

For the purposes of this Act " building operations " includes—

- a) demolition of buildings;*
- b) rebuilding;*
- c) structural alterations of or additions to buildings; and*
- d) other operations normally undertaken by a person carrying on business as a builder.*

S.55 (2) goes on to set out a number of operations or uses of land which are not taken for the purposes of the Act to involve development. This includes:

the carrying out for the maintenance, improvement or other alteration of any building of works which—

- (i) affect only the interior of the building, or,*
- (ii) do not materially affect the external appearance of the building,*

The Town and Country Planning (Use Classes) Order 1987 (as amended) Schedule 1 Part C sets out the use of a dwellinghouse:

Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) —

- a) by a single person or by people living together as a family, or*
- b) by not more than 6 residents living together as a single household (including a household where care is provided for residents).*

Class C4. Houses in multiple Occupation

Use of a dwellinghouse by not more than six residents as a HMO

Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 sets out that development is not permitted under Class L if it would result in the use—

- (a) as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or*

(b) as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.

The application seeks to confirm the use of the building as a five bedroom HMO is lawful. Existing gazetteer records confirms the building as a residential dwellinghouse and the submitted floor plans indicate the HMO to comprise of five bedrooms. In the absence any evidence to indicate otherwise, the existing and proposed use would fall under Class C3 and C4 respectively, as set out in Schedule 1 Part C of the Town and Country Planning (Use Classes) Order 1987.

The submitted internal layout indicate a single main entrance door and a shared kitchen/dining area and living room, and would function as a single dwellinghouse. As such, the proposal would accord with the provisions of Schedule 2 Part 3 Class L of the GPDO. No external works have taken place which would constitutes development and no material change of use has occurred.

RECOMMENDATION: GRANT

1. The proposal falls within the parameters of Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Notes for Applicant:

For the avoidance of doubt, the certificate relates to the following plans:

- Location Plan – received 25/04/2025
- Existing Ground Floor and First Floor Plan – received 25/04/2025
- Existing Second Floor Plan – received 25/04/2025

Report Author Sam Yuen